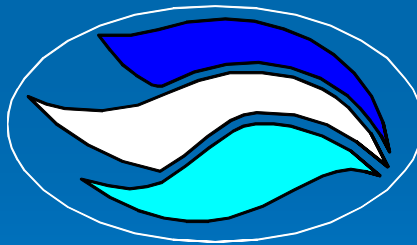


Watershed Management Program Issues

TECS Environmental



Watershed Management Program Issues

➤ Why Are There So Many Problems with the WMPs?

- RB criticism: The WMP should provide more detail on how the adaptive management process will be implemented.
- Problem:
 - The Permit does not provide sufficient information on how the AMP is to be implemented
 - There should have been more detail in the permit and development of guidelines after the permit was adopted.
 - There is no definition of AMP in the Permit (definitions do not fully apply to the LA MS4 permit (they reflect definitions carried-over from the Ventura Permit that are no applicable)
 - RB staff should have provided examples of AMP implementation

➤ Why Are There So Many Problems with the WMPs?

- Requirements for compliance are unclear
 - Adaptive Management Process does not appear to assure provide compliance
 - For example: If an exceedance of water quality standard is detected what is the procedure for addressing it?
 - address compliance with water quality standards –permit says:
 - *Permittees in each WMA shall implement an adaptive management process, every two years from the date of program approval, adapting the Watershed Management Program or EWMP to become more effective ...*
 - But another section says:
 - *The adaptive management process fulfills the requirements in Part V.A.4 to address continuing exceedances of receiving water limitations.*
 - *Is this a safe harbor?*
 - Problem: V.A.4 only pertains to the iterative process applies only to the stormwater management program – not the WMP

- Here's what V.A.4 says:

*So long as the Permittee has complied with the procedures set forth in Part **V.A.3.** above and is implementing the **revised storm water management program** (not a WMP or an EWMP) and its components, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Water Board to modify current BMPs or develop additional BMPs.*

- Please note that V.A.3 is referenced as referenced above means:

The Permittees shall comply with Parts V.A.1 and V.A.2 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the storm water management program and its components and other requirements of this Order including any modifications. The storm water management program and its components shall be designed to achieve compliance with receiving water limitations. If exceedances of receiving water limitations persist, notwithstanding implementation of the storm water management program and its components and other requirements of this Order, the Permittee shall assure compliance with discharge prohibitions and receiving water limitations by complying with the following procedure:

- Here's the bottom line:
- The WMP compliance requirements are commingled with the SWMP making compliance difficult comprehend -- and remember the Permit has disabled – unlawfully – the SWMP and the iterative process as a compliance determinant
- The permit here is bipolar on the issue of WMP compliance and the SWMP and creates a double-entendre that renders the permit unenforceable
- Further, contrary to what Regional Board staff has said, the SWMP and its iterative process is the legitimate compliance determinant; not the WMP (staff's opinion cannot override what is written in the permit which is based on a state board precedential order (99-05))

- As the Regional Board staff has commented on one WMP

The WMP needs to provide a clear schedule that demonstrates implementation of the BMPs will achieve the required interim metal reductions by the compliance deadlines. The WMP schedule should at the least provide specificity on actions within the current and next permit terms.”

- Can't provide a schedule for compliance because there is no outfall monitoring data to show where permittees are relative to meeting water quality standards – and the so-called modeling analysis does not provide statistically significant data to evaluate pollution issues and prescribe appropriate BMPs
- As other commenters have indicated the model needs to be calibrated – tweaked to provide a more accurate assessment of a permittee's pollutant issues
- Once this is done, appropriate BMPs can be deployed

Watershed Management Program Issues

- Why Are There So Many Problems with the WMPs?
 - Requirements are not clearly spelled-out in the Permit resulting in submittals that do not meet staff expectations and NGO concerns
 - Example of RB criticism: *The WMP should provide more detail on how the adaptive management process will be implemented.*
 - But the permit does not provide sufficient information on how the adaptive management process is supposed to work and there are no guidelines
 - There is no definition of AMP in the Permit
 - In fact definitions do not fully apply to the LA MS4 , permit they reflect definitions carried-over from the Ventura Permit that are no applicable)
 - RB staff should have provided examples of AMP implementation

Watershed Management Program Issues

➤ QUESTIONS?

